

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #6	CCRB Case #: 201706380	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/16/2017 11:53 AM	Location of Incident: § 87(2)(b)	Precinct: 101	18 Mo. SOL 1/16/2019	EO SOL 1/16/2019	
Date/Time CV Reported Mon, 08/07/2017 8:19 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/07/2017 8:19 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Lauren Nadle	28936	957886	101 PCT
2. POM Kevin Marcial	7072	937879	101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dominic Alongi	19495	951497	101 PCT
2. SGT Robert Nagle	2105	946051	101 PCT
3. POM Joseph Ferrigno	15647	951729	101 PCT
4. POM Terrence Sloan	29057	951271	101 PCT
5. POM John Ramalho	22226	962709	101 PCT
6. POM Michael Stark	29022	961326	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Marcial	Abuse: Police Officer Kevin Marcial threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
B.POM Kevin Marcial	Abuse: Police Officer Kevin Marcial entered § 87(2)(b) in Queens.	§ 87(2)(b)
C.POF Lauren Nadle	Abuse: Police Officer Lauren Nadle entered § 87(2)(b) in Queens.	§ 87(2)(b)
D.POM Kevin Marcial	Abuse: Police Officer Kevin Marcial threatened to arrest § 87(2)(b)	§ 87(2)(b)
E.POM Kevin Marcial	Off. Language: Police Officer Kevin Marcial made remarks based on § 87(2)(b)'s mental health.	§ 87(2)(b)
F.POM Kevin Marcial	Abuse: Police Officer Kevin Marcial forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
G.POM Kevin Marcial	Force: Police Officer Kevin Marcial used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.POM Kevin Marcial	Abuse: Police Officer Kevin Marcial searched § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
I.POF Lauren Nadle	Abuse: Police Officer Lauren Nadle searched § 87(2)(b) [REDACTED] in Queens.	[REDACTED]

Case Summary

On August 8, 2017, § 87(2)(b) filed this complaint with the CCRB over the phone on behalf of § 87(2)(b).

On July 16, 2017, § 87(2)(b) was in her apartment located at § 87(2)(b) in Queens. Prior to the date of this incident, § 87(2)(b) had told her children, § 87(2)(b) and § 87(2)(b) that they could no longer stay in her apartment. § 87(2)(b) came to the apartment in the morning on July 16, 2017, to obtain his belongings, but § 87(2)(b) refused to let him into the apartment unless he was escorted by officers. At approximately 11:53 a.m., § 87(2)(b) heard a knock at the door while she was in the shower. § 87(2)(b) exited the shower and asked who was at the door. PO Kevin Marcial stated, “If she’s not going to open the door, we’re going to break it down,” (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) opened the door and PO Marcial pushed the door and entered the apartment, along with his partner PO Lauren Nadle (**Allegation B: Abuse of Authority**, § 87(2)(g) **Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b)). § 87(2)(b) asked PO Marcial if she was under arrest. PO Marcial responded, “You’ll be soon,” (**Allegation D: Abuse of Authority**, § 87(2)(g) PO Marcial stated to § 87(2)(b) “You’re a crazy woman. You’re talking to yourself. You’re acting all crazy. You’re going to the psych ward,” (**Allegation E: Offensive Language**, § 87(2)(g) **Allegation F: Abuse of Authority**, § 87(2)(g) PO Marcial grabbed § 87(2)(b)’s hands, and after a brief struggle, stepped on § 87(2)(b)’s stomach (**Allegation G: Force**, § 87(2)(g) PO Nadle, along with responding officers PO Terrence Sloan, and PO John Ramalho placed § 87(2)(b) in handcuffs inside her bedroom. PO Marcial and PO Nadle searched § 87(2)(b)’s room for medications (**Allegations H and I: Abuse of Authority**, § 87(2)(g) § 87(2)(g) § 87(2)(b)). § 87(2)(b) was transported to § 87(2)(b).

There was no video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Kevin Marcial threatened to damage

§ 87(2)(b) **s property.**

§ 87(2)(g) § 87(2)(b) was interviewed at the CCRB on September 15, 2017 (Board Review 01). § 87(2)(b) stated that she was in the shower when she heard a knock on her door. § 87(2)(b) put on her robe and went to the door. Through the peephole, § 87(2)(b) saw her son, § 87(2)(b) and PO Nadle. § 87(2)(b) did not see PO Marcial through the peep hole, but heard him say “If she’s not going to open this door, we’re going to break it down.”

PO Marcial was interviewed at the CCRB on December 14, 2017 (Board Review 02). PO Marcial stated that he knocked on § 87(2)(b)’s door and told her to open the door. PO Marcial did not remember if he said anything else outside of § 87(2)(b)’s apartment. PO Marcial did not remember if § 87(2)(b) came to the door right away, or if there was a delay. PO Marcial denied that he ever threatened to open the door by force if § 87(2)(b) did not come to the door. PO Marcial denied that he ever said he would break § 87(2)(b)’s door down if she did not open it.

PO Nadle was interviewed at the CCRB on October 24, 2017 (Board Review 03). PO Nadle denied that anyone ever threatened to break down the door to § 87(2)(b)’s apartment. PO Nadle did not hear PO Marcial threaten to break down § 87(2)(b)’s door.

PO Marcial and PO Nadle were the only officers present at the time that § 87(2)(b) alleged that PO Marcial threatened to break down the door to her apartment. § 87(2)(g)

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Kevin Marcial entered § 87(2)(b) in Queens.

Allegation (C) Abuse of Authority: Police Officer Lauren Nadle entered § 87(2)(b) in Queens.

It is undisputed that PO Marcial and PO Nadle entered § 87(2)(b) in Queens. § 87(2)(g)

§ 87(2)(b) (Board Review 01) stated that, after PO Marcial threatened to break down the door to her apartment, she replied saying she was not dressed and she needed a moment before opening the door. § 87(2)(b) went to put on clothes, but the officers kept knocking on the door. § 87(2)(b) went to the door in her robe. When § 87(2)(b) opened the door, PO Marcial pushed the door and entered the apartment. PO Nadle followed PO Marcial into the apartment. PO Marcial did not ask § 87(2)(b) for permission to enter the apartment. § 87(2)(b) did not tell the officers that they were not allowed to enter the apartment.

§ 87(2)(b) provided a telephone statement on October 13, 2017 (Board Review 04). § 87(2)(b) informed PO Marcial and PO Nadle that, on July 15, 2017, § 87(2)(b) had a hammer and kicked § 87(2)(b) and § 87(2)(b) out of the apartment. § 87(2)(b) told PO Marcial and PO Nadle that one minute § 87(2)(b) would be fine, and the next she would be “going crazy.” PO Marcial and PO Nadle told § 87(2)(b) to relax and that they were just going to retrieve her clothing. The officers, § 87(2)(b) and § 87(2)(b) went to the apartment. § 87(2)(b) opened the door. PO Marcial and PO Nadle entered first, followed by § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not protest to the officers entering the apartment and did not say that she did not want them to enter.

PO Marcial (Board Review 02) did not remember if § 87(2)(b)'s children had keys to her apartment. PO Marcial entered § 87(2)(b)'s apartment because § 87(2)(b) needed to gain entry and was afraid of her mother. Before entering the apartment, PO Marcial spoke with § 87(2)(b) at the entrance to the apartment. PO Marcial tried to explain to § 87(2)(b) that she could not kick her adult children out of the apartment because they had been living there for more than 30 days. PO Marcial told § 87(2)(b) that she would need to go to landlord-tenant court. § 87(2)(b) did not like what PO Marcial was saying and began screaming. § 87(2)(b) told PO Marcial that she could do what she wanted and that she could kick out her children. § 87(2)(b) moved to the hallway inside her apartment. PO Nadle also tried to speak with § 87(2)(b) but she was not listening. § 87(2)(b) began flailing her arms. PO Marcial did not remember § 87(2)(b) protesting to the officers entering the apartment. PO Marcial did not recall § 87(2)(b) consenting to the officers entering her apartment. PO Marcial did not think that § 87(2)(b) told the officers that they could come into her apartment.

PO Nadle (Board Review 03) did not remember if the door to the apartment was open or closed when she arrived or who answered the door. PO Nadle was not sure if § 87(2)(b) said anything before the officers entered the apartment. PO Nadle did state in response to if there was

and not go anywhere. § 87(2)(b) asked PO Marcial why he was telling her what to do in her apartment and asked if she was under arrest. PO Marcial responded saying, “You’ll be soon.”

PO Marcial (Board Review 02) did not remember if § 87(2)(b) ever asked if she was under arrest. PO Marcial stated that he usually tells people that they are not under arrest when they are being transported to the hospital. PO Marcial denied that he ever told § 87(2)(b) “You’ll be soon,” in response to her asking if she was under arrest.

PO Nadle (Board Review 03) did not remember if § 87(2)(b) ever asked if she was under arrest. PO Nadle did not hear PO Marcial tell § 87(2)(b) “You’ll be soon,” in response to her asking if she was under arrest. PO Nadle did not hear PO Marcial threaten to arrest § 87(2)(b).

§ 87(2)(b)

§ 87(2)(g)

Allegation (E) Offensive Language: Police Officer Kevin Marcial made remarks based on § 87(2)(b)s mental health.

§ 87(2)(g)

§ 87(2)(b) (Board Review 01) stated that, after PO Marcial told her she would be arrested soon, she called to her friend § 87(2)(b) who was in the bathroom, asking her to get clothes for her. § 87(2)(b) believed that § 87(2)(b) responded, but PO Marcial did not hear her. PO Marcial told § 87(2)(b) “You’re a crazy woman. You’re talking to yourself, you’re acting all crazy. You’re going to the psych ward.” When PO Sloan and PO Ramalho responded, PO Marcial told them, “She’s crazy! She’s crazy!”

§ 87(2)(b) (Board Review 04) did not hear any officer call § 87(2)(b) “crazy.”

PO Marcial (Board Review 02) denied that he ever called § 87(2)(b) “crazy.” PO Marcial denied that he ever said to § 87(2)(b) “You’re a crazy woman. You’re talking to yourself, you’re acting all crazy. You’re going to the psych ward.” PO Marcial denied saying, “She’s crazy! She’s crazy!” in reference to § 87(2)(b).

PO Nadle (Board Review 03), PO Sloan, who was interviewed at the CCRB on November 21, 2017 (Board Review 09), and PO Ramalho, who was interviewed at the CCRB on December 13, 2017 (Board Review 10) all denied that they heard PO Marcial call § 87(2)(b) “crazy.”

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: Police Officer Kevin Marcial forcibly removed § 87(2)(b) to the hospital.

It is undisputed that § 87(2)(b) was forcibly removed to the hospital.

§ 87(2)(b) (Board Review 01) stated that § 87(2)(b) told the officers that § 87(2)(b) was “crazy.” § 87(2)(b) told PO Marcial that she needed to change her clothes because

she was wearing a robe at the time. PO Marcial told § 87(2)(b) that she was going to the psychiatric ward. § 87(2)(b) heard PO Marcial call over the radio for additional officers and an ambulance to take her to the psychiatric ward. § 87(2)(b) told PO Marcial that she did not ask to go to the hospital. As discussed below, § 87(2)(b) alleged that PO Marcial used force against her. § 87(2)(b) was placed into handcuffs and transported to § 87(2)(b).

§ 87(2)(b) (Board Review 04) informed PO Marcial and PO Nadle that § 87(2)(b) had kicked her and § 87(2)(b) out of the apartment on July 15, 2017. § 87(2)(b) also informed PO Marcial and PO Nadle that § 87(2)(b) had a hammer on July 15, 2017. § 87(2)(b) stated that § 87(2)(b) complained to PO Marcial that § 87(2)(b) kicked her in the stomach and that she was in pain. PO Marcial told § 87(2)(b) that he was going to call for EMS to check her out. § 87(2)(b) told PO Marcial that she was not going to the hospital and she did not have to listen to him. § 87(2)(b) gathered her belongings and was in her bedroom during much of the incident. § 87(2)(b) did not know when EMS was called to respond to the location, or who called for EMS to respond to the location.

EMT § 87(2)(b) was interviewed at the CCRB on December 12, 2017 (Board Review 11). EMT § 87(2)(b) and EMT § 87(2)(b) received a call for an EDP at the incident location. The job noted “female talking to self.” After arriving at the location, EMT § 87(2)(b) spoke with § 87(2)(b) who informed EMT § 87(2)(b) that he had called 911 because his mother was not acting like herself and had a psychiatric history. EMT § 87(2)(b) believed that § 87(2)(b) stated § 87(2)(b) had a history of schizophrenia or bipolar disorder. Officers informed EMT § 87(2)(b) that § 87(2)(b) was paranoid and talking to herself. When EMT § 87(2)(b) spoke with § 87(2)(b) she was looking around and did not appear to know where she was at the time. After conducting an evaluation of § 87(2)(b) EMT § 87(2)(b) determined that § 87(2)(b) was paranoid and needed to be transported to the psychiatric unit of the hospital.

EMT § 87(2)(b) was interviewed at the CCRB on December 12, 2017 (Board Review 12). EMT § 87(2)(b) also stated that § 87(2)(b) was determined to be an EDP prior to his and EMT § 87(2)(b)'s arrival at the location. § 87(2)(b) informed EMT § 87(2)(b) that § 87(2)(b) was acting erratic and violent, and that he was not safe in the home. § 87(2)(b) stated that § 87(2)(b) was not acting like herself and had previously had a psychiatric evaluation, but did not know why. § 87(2)(b) informed EMT § 87(2)(b) that § 87(2)(b) was not compliant with her medications. § 87(2)(b) was yelling and cursing at the EMTs, which further indicated to EMT § 87(2)(b) that § 87(2)(b) was an EDP. EMT § 87(2)(b) and EMT § 87(2)(b) were unable to conduct an evaluation of § 87(2)(b) inside the apartment because she was yelling and irate.

PO Marcial (Board Review 02) spoke with § 87(2)(b) in the lobby of the building before going to § 87(2)(b)'s apartment. Before entering the apartment, § 87(2)(b) and § 87(2)(b) both informed PO Marcial and PO Nadle that § 87(2)(b) was bipolar. § 87(2)(b) stated that § 87(2)(b) had been erratic on the day of the incident and the night before. § 87(2)(b) stated that § 87(2)(b) had “fits.” After speaking with § 87(2)(b) for approximately 15 minutes, PO Marcial called EMS to respond to the location because he thought that § 87(2)(b) was an emotionally disturbed person (EDP). § 87(2)(b) was flailing her arms, yelling at the top of her lungs, and acting very erratically. § 87(2)(b) also stated that there was a woman in the living room, but PO Marcial denied that anyone was inside the living room. PO Marcial stated that he was concerned that § 87(2)(b) might fall when she was walking back and forth in her apartment. PO Marcial stated that he was also concerned for the safety of § 87(2)(b) and officers because § 87(2)(b) was acting erratically, walking all around her apartment, screaming, and talking to herself. PO Marcial denied that there was ever a concern that

§ 87(2)(b) had a weapon. PO Marcial did not learn that § 87(2)(b) had a weapon during a past incident. When PO Marcial was leaving § 87(2)(b)'s apartment, § 87(2)(b) exited the bathroom and told PO Marcial that she was a houseguest and did not want to get involved in the incident. PO Marcial did not know that § 87(2)(b) was present before she exited the bathroom and stated that she was never inside the living room.

PO Nadle (Board Review 03) stated that one of § 87(2)(b)'s children informed her and PO Marcial that § 87(2)(b) had a psychiatric history and may have stopped taking her medications. PO Nadle did not remember if she and PO Marcial learned about § 87(2)(b)'s psychiatric history before or after entering the apartment. After speaking with § 87(2)(b), PO Nadle was able to tell that § 87(2)(b) had a mental illness. PO Nadle stated that she dealt with hundreds of mentally ill people on a daily basis, and from her experience, she could tell that § 87(2)(b) had a mental illness. PO Nadle stated that § 87(2)(b) was saying things that were delusional and did not make any sense. PO Nadle could not remember what § 87(2)(b) was saying that she perceived as delusional. When asked if she ever thought that § 87(2)(b) was talking to herself, PO Nadle stated that § 87(2)(b) was saying something unusual, but she could not remember what it was. Inside her bedroom, § 87(2)(b) stated that she had a colostomy bag and complained that she was in pain. The officers tried to persuade § 87(2)(b) to go to the hospital. § 87(2)(b) refused medical attention and started screaming. PO Nadle did not remember what § 87(2)(b) was screaming. PO Nadle did not remember who called for EMS to respond to the location.

PO Sloan (Board Review 09) and PO Ramalho (Board Review 10) both stated that § 87(2)(b) was determined to be an EDP prior to their arrival at the location. PO Sloan and PO Ramalho did not know who made the determination that § 87(2)(b) was an EDP.

Sgt. Robert Nagle was interviewed at the CCRB on November 29, 2017 (Board Review 20). Sgt. Nagle stated that the decision to remove § 87(2)(b) to the hospital as an EDP was made prior to his arrival at the location. When Sgt. Nagle arrived at the location, § 87(2)(b) was being brought outside to the ambulance. Sgt. Nagle did not remember conversations he had with officers when he arrived at the location. Sgt. Nagle did not remember why it was determined that § 87(2)(b) needed to be transported to the hospital as an EDP.

The AIDED prepared regarding this incident (Board Review 13) noted that § 87(2)(b) suffered from bipolar disorder and schizophrenia.

The EVENT regarding this incident (Board Review 14) indicated that EMS and backup were requested at 12:27 p.m., before any additional units responded to the location.

Confidential Medical Records regarding § 87(2)(b)'s treatment at § 87(2)(b) (Board Review 15 and 16) indicated that § 87(2)(b) had a past psychiatric history of depression. EMS reported that § 87(2)(b) seemed paranoid and was having a conversation with someone not in the room.

An emotionally disturbed person is a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner in which a police officer reasonably believes is likely to result in serious injury or harm to themselves or others. If such person is dangerous to themselves or others, necessary force may be used to prevent serious physical injury or death. Physical force will be used only to the extent necessary to restrain the subject until delivered to a hospital or detention facility. If EDP is unarmed, not violent, and is willing to leave voluntarily, the EDP may be taken into custody without the specific direction of a supervisor. In all other cases, if the EDP's actions do not constitute an immediate threat of serious physical injury or death to themselves or others, attempt to isolate and contain the EDP while maintaining a zone of

safety until arrival of patrol supervisor and Emergency Service Unit personnel, and do not attempt to take the EDP into custody without the specific direction of a supervisor. Patrol Guide Procedure 221-13 “Mentally Ill or Emotionally Disturbed Persons (Board Review 17)”

§ 87(2)(g)

§ 87(2)(g)

Allegation (G) Force: Police Officer Kevin Marcial used physical force against § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) (Board Review 01) told PO Marcial again that she needed to change because she refused to go to the hospital naked. § 87(2)(b) and PO Marcial were standing in the hallway between the entrance to the apartment and § 87(2)(b)'s bedroom. PO Marcial grabbed § 87(2)(b)'s hands and placed them behind her back. While grabbing § 87(2)(b)'s hands, PO Marcial pushed her into her bedroom and pushed her down onto her bed, face first. § 87(2)(b) believed that PO Marcial was trying to make it look like she was fighting with him. § 87(2)(b) was screaming at PO Marcial to get off of her. § 87(2)(b) told PO Marcial that she had a colostomy bag and demanded he let her go. PO Marcial placed his knee onto § 87(2)(b)'s back to hold her against the bed. § 87(2)(b) slipped onto the floor and was on her knees. § 87(2)(b) tried to stand up, but PO Marcial pushed § 87(2)(b) into a small closet inside her bedroom. § 87(2)(b) fell onto the floor on her back inside the closet. While § 87(2)(b) was on the floor, PO Marcial placed his foot onto her stomach, causing her colostomy bag to break. § 87(2)(b) was bleeding. § 87(2)(b) tried to cover her colostomy bag. § 87(2)(b) screamed that PO Marcial was hurting her. § 87(2)(b) was wiggling on the ground. § 87(2)(b) stated that one of her hands got away, but denied that she was trying to move her hands away from PO Marcial. At this point PO Sloan and PO Ramalho entered § 87(2)(b)'s bedroom and assisted in handcuffing § 87(2)(b).

§ 87(2)(b) (Board Review 04) stated that § 87(2)(b) went inside her room and slammed her door. § 87(2)(b) saw PO Marcial and PO Nadle walk towards § 87(2)(b)'s room, but could not see what they were doing because she was in her room packing up her clothing. § 87(2)(b) did not see which officers went into § 87(2)(b)'s room because she was in her bedroom. § 87(2)(b) did not remember if she heard a commotion from § 87(2)(b)'s room before § 87(2)(b) was brought out of her room in handcuffs. § 87(2)(b) did not see

any officers use physical force against § 87(2)(b) § 87(2)(b) did not hear § 87(2)(b) complain that officers physically hurt her.

EMT § 87(2)(b) (Board Review 11) believed that PO Marcial and PO Nadle were placing § 87(2)(b) into handcuffs when he and EMT § 87(2)(b) arrived at the location. § 87(2)(b) was not following the officers' instructions to put her hands behind her back. EMT § 87(2)(b) did not see the officers place § 87(2)(b) into handcuffs because he was speaking with § 87(2)(b) at the front door. § 87(2)(b) solely complained about the handcuffs being too tight. § 87(2)(b) never stated that an officer pinned her against her bed and held her down with his knee or pushed her into her closet. EMT § 87(2)(b) did not witness any officer pin § 87(2)(b) to her bed with his knee or push her into her closet. The officers only informed EMT § 87(2)(b) that they physically placed § 87(2)(b)'s hands behind her back. Officers did not inform EMT § 87(2)(b) of any additional force that had to be used against § 87(2)(b).

EMT § 87(2)(b) (Board Review 12) believed that PO Marcial told him that § 87(2)(b) did not want to be handcuffed, but that she did not fight PO Marcial. § 87(2)(b) resisted and EMT § 87(2)(b) thought the officers may have had to place § 87(2)(b) on the ground to place her in handcuffs, but he was not sure. EMT § 87(2)(b) did not see or hear that § 87(2)(b) was on the ground or pinned against a bed. PO Marcial never informed EMT § 87(2)(b) that he pinned § 87(2)(b) against her bed. EMT § 87(2)(b) stated that if any of those things had happened because it would impact their treatment of § 87(2)(b) and what they told the doctor. EMT § 87(2)(b) never heard § 87(2)(b) complain about force used against her by officers.

PO Marcial (Board Review 02) stated that PO Sloan and possibly PO Nadle placed § 87(2)(b) into handcuffs. PO Marcial was not in the room when they placed § 87(2)(b) into handcuffs and did not witness the officers place § 87(2)(b) into handcuffs. PO Marcial stated that he was standing in the hallway inside the apartment when the officers and § 87(2)(b) were in her bedroom. PO Marcial did not hear what was going on in the bedroom. PO Marcial did not think that any force was used to place § 87(2)(b) into handcuffs. PO Marcial went into § 87(2)(b)'s bedroom shortly after PO Sloan and PO Nadle. When PO Marcial went into § 87(2)(b)'s bedroom, she was sitting on her bed in handcuffs. PO Marcial denied that he used any force against § 87(2)(b). PO Marcial denied that he ever pinned § 87(2)(b) to her bed. PO Marcial denied that he placed his knee on § 87(2)(b)'s back. PO Marcial denied that he pushed § 87(2)(b) into her closet. PO Marcial never learned that § 87(2)(b) was inside her closet at any point. PO Marcial denied that § 87(2)(b) was ever on the ground inside her apartment. No officer ever informed PO Marcial what position § 87(2)(b) was in when she was placed into handcuffs. PO Marcial denied that § 87(2)(b) ever complained about force used against her by officers. PO Marcial did not remember § 87(2)(b) complaining that she was in pain at any point. PO Marcial denied that § 87(2)(b) ever complained about an issue with her colostomy bag.

PO Nadle (Board Review 03) stated that § 87(2)(b) threw herself into her closet in her bedroom and then threw herself onto the floor inside her closet. PO Nadle denied that any officer made contact with § 87(2)(b) before she threw herself into the closet. PO Nadle and PO Sloan helped pick § 87(2)(b) up out of the closet and helped her to stand up. PO Nadle and PO Sloan placed § 87(2)(b)'s hands behind her back and into handcuffs while she was standing up near the closet. § 87(2)(b) moved her body and flailed her arms. § 87(2)(b) held her arms in front of her body and did not let the officers place her hands behind her back. Additional officers came into the bedroom after PO Nadle and PO Sloan placed § 87(2)(b) into handcuffs. PO Nadle denied that PO Marcial or any officer pushed § 87(2)(b) into the closet. PO Nadle denied that any force was used against § 87(2)(b) aside from placing her hands behind her back. PO Nadle

EMT § 87(2)(b)'s statement (Board Review 11) was consistent with EMT § 87(2)(b)'s statement.

PO Marcial (Board Review 02) did not see any officer go into the drawers of § 87(2)(b)'s dresser or into her purse. PO Marcial denied that he ever went into the drawers in § 87(2)(b)'s apartment or her purse. PO Marcial did not remember § 87(2)(b) ever asking for medications. PO Marcial did not see any medication containers in her bedroom and did not remember learning about medications that § 87(2)(b) took.

PO Nadle (Board Review 03) stated that all of the officers present at the location looked at § 87(2)(b)'s medications. PO Nadle stated that § 87(2)(b)'s medications were spread out on her night stand, on her bed, and on her dresser. PO Nadle stated that all of the medications were out in the open in different parts of the room. PO Nadle confirmed that she was looking at § 87(2)(b)'s medications. PO Nadle did not remember what any of the medications were. PO Nadle denied that she opened any drawers in § 87(2)(b)'s bedroom. § 87(2)(b) did advise PO Nadle to get the medication out of the purse or pouch that was on § 87(2)(b)'s bed to give it to EMS. PO Nadle did check the medications as procedure that officers do to help the AIDED with any type of medical issues they have. The officers also show the medications to EMS. PO Nadle stated that if someone has medical issues and requires a medication, the officers have to give it to them. PO Nadle stated that the officers only looked at the medications.

PO Sloan (Board Review 09) did not recall if he or other officers looked for medications inside § 87(2)(b)'s apartment. PO Sloan did not recall if he or any other officers opened the drawers to § 87(2)(b)'s dresser. PO Sloan did not recall seeing any officer go inside of § 87(2)(b)'s purse. PO Sloan did not recall if EMTs ever went through § 87(2)(b)'s belongings inside her bedroom.

PO Ramalho (Board Review 10) denied that he searched § 87(2)(b)'s bedroom for medications or go into the drawers of her dresser. PO Ramalho did not recall if any officers searched § 87(2)(b)'s room for medications or went into the drawers of her dresser. PO Ramalho did not recall if any officer went into a purse of § 87(2)(b)s.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This was § 87(2)(b) first complaint filed with the CCRB (Board Review 18).
- This was § 87(2)(b) s first complaint filed with the CCRB (Board Review 19).
- PO Marcial had two previous allegations against him stemming from one complaint. None of the allegations were substantiated. § 87(2)(g)
- As noted above, PO Nadle is no longer a Member of Service.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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